RONALD D. WEISS, P.C.
ATTORNEYS AT LAW
445 Broadhollow Road, Suite CL-10, Melville, New York 11747
phone: (631)271-3737 • fax: (631)271-3784
email: weiss@fresh-start.com

July 18, 2024

Honorable Alan S. Trust
Chief United States Bankruptcy Judge
Alfonse M. D'Amato U.S. Courthouse
290 Federal Plaza
Central Islip, NY 11722

Re: In re Corey S. Ribotsky
Chapter 7, Case No. 23-70583-ast

REVISED LETTER

Dear Chief Judge Trust:

On July 12, 2024, Corey S. Ribotsky retained this firm under a new retainer for the limited purpose of the matter discussed below. As the Court is aware, the Securities and Exchange Commission and Debtor have both filed motions for summary judgment with respect to whether certain debt is dischargeable, which motions are *sub judice* before Your Honor.

We write today, however, to advise the Court that on June 28, 2024, the United States Supreme Court issued the opinion styled *Loper Bright Enterprises, Et Al v. Raimondo, Secretary of Commerce, Et Al.*, 603 U.S. ___ (2024) (22-541). Loper stands for the proposition that only a trial court has the authority to determine what agency laws require of the parties. Loper further overturns the proposition under *Chevron U.S.A. Inc. v Natural Resources Defense Council Inc.*, 467 U.S. 837 (1984) which placed upon the trial court the obligation to give great deference to government agencies as to what the respective law means and whether that law was violated.

We believe that the *Loper* case has great bearing on the matters before Your Honor. The United States District Court, Eastern District of New York, was never given the opportunity to determine whether Debtor violated securities laws. As a result, the collateral attack by the SEC for the non-dischargeablilty of the debt is fatally flawed at its foundation.

Thus, we write to respectfully request that Your Honor give us the opportunity to file a supplemental brief for the limited purpose of addressing *Loper* and the impact of such decision on the matters presently before the Court.

Very Truly Yours,
Ronald D. Weiss, P.C.

Cc: Neal Jacobson, Esq.
All ECF participants